BRIGHT from the START
Georgia Department of Early Care and Learning
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Nathan Deal
Governor

Bobby D. Cagle, MSW
Commissioner

MEMORANDUM

To: Approved Sponsors participating in the
Summer Food Service Program (SFSP)

From: Louis Brienza, Nutrition Program Director

Date: April 25, 2013

Re: Restricting the Number of Meal/Snack Services or Number of Meals/Snacks Sponsors can serve in the Summer Food Service Program (SFSP)

In accordance with federal regulations (7 C.F.R 225) and policy memorandum issued by the United States Department of Agriculture (USDA), Bright from the Start is required, under certain circumstances, to restrict the number of meal/snack services or restrict the number of meals/snacks sponsors can serve per day at its feeding sites.

Restricting the Number of Meal/Snack Services at a Site:

Federal regulation 7 C.F.R. 225.11(d) requires Bright from the Start to restrict sponsors to one meal/snack service per day at one or more sites under the following circumstances:

1. Any site is in violation of approved SFSP meal service time frames per 7 C.F.R. 225.16(c), and the required corrective action is not taken by the deadline provided by Bright from the Start and agreed to by the sponsoring organization.

2. When more than 20% of a sponsor's sites are determined to be in violation of approved SFSP meal service times frames.

In accordance with USDA policy memorandum SFSP 11-2011 "*Waiver of Meal Time Restrictions and Unitized Meal Requirements in the Summer Food Service Program*", sponsors are no longer required to ensure that a specific amount of time elapses between each meal service and/or that there is a specific duration of time for meal services as previously outlined 7 C.F.R. 225.16(c).

However, sponsors are required to provide Bright from the Start with information regarding the times meals and/or snacks are served at each site by indicating the times in the site application. Upon submission of the site application, Bright from the Start will review and approve the meal and/or snack time. Sponsors are then required to serve meals/snacks in accordance with the approved site application.

Therefore, Bright from the Start will impose meal/snack restrictions when:

1. It is determined that during an initial or follow up visit, the sponsor has violated the approved meal service time frames and accepted corrective action was not successfully implemented and previously cited Program violations continue to exist.

2. It is determined more than 20% of the sponsor's sites are in violation of the approved meal service time.

Sponsors will receive written notification when meal restrictions are imposed and will be required to adjust the meal service accordingly.

Restricting the Number of Meals/Snacks Served at a Site:

USDA's policy memorandum entitled "*Site Caps in the Summer Food Service Program*", dated January 24, 2013, provides clarification to state agencies on imposing and enforcing site caps in the SFSP.

Bright from the Start is required to set limits on the number of meals a site may serve to children for meal reimbursement. The limit is referred to as a "site cap".

Per the aforementioned policy memorandum and federal regulations 7 C.F.R 225.6(d)(1)(iii), 225.6(d)(2) and 225.9(f), site caps are required for self-prep and vended sites. Sponsors that vend meals for the SFSP meal service operation are prohibited from claiming meals for reimbursement in excess of the number of meals that can be distributed. Sponsors that operate self-prep sites must ensure that the site is not approved for more than the number of meals it is capable of preparing and distributing to other sites.

Bright from the Start refers to the site cap as the "maximum meal count number" which is part of the site application. Sponsors are required to indicate the maximum meal count number for each meal type in the site application and, upon approval of the site application, are prohibited from serving meals in excess of the maximum meal count number for each meal type without seeking additional approval.

As a management tool, Bright from the Start may impose meal/snack restrictions due to inconsistencies found during sponsor reviews or site visits.

Nutrition Program Consultants may impose meal/snack "caps" when they observe the following:

- Sponsor is claiming meals in excess of the site's attendance;
- Sponsor is claiming meals in excess of the site's capacity to distribute; and/or
- Sponsor is claiming meals in excess of the amount that can be prepared/ delivered to meet required meal service time frames or temperature requirements.

Sponsors will receive written notification when site caps are imposed and will be required to adjust the meal service accordingly.

Meal Disallowance and Corrective Action:

In accordance with Bright from the Start's SFSP policy memo "*Meal Disallowances for the Summer Food Service Program (SFSP)*", meal/snacks served outside of the approved meal service times or in excess of the approved maximum number of meals submitted and approved in the sponsor's application are Program violations, and will subsequently be disallowed. Disallowed meals are ineligible for reimbursement.

Sponsors that are cited for serving meals outside of the approved time frame or meals in excess of the approved maximum number of meals will be required to submit corrective action and implement corrective action immediately. Upon submission of acceptable corrective action, Bright from the Start will complete a follow up visit to ensure successful implementation of corrective action.

Appeals:

Imposing meal service restrictions or capping the number of meal/snacks that can be served at one or more sites is an appealable adverse action.

The administrative review (appeal) is an impartial examination conducted by an independent administrative law judge at the Georgia Office of State Administrative Hearings (OSAH) who is responsible for determining if Bright from the Start's proposed actions are valid and appropriate. The appeal may take either of two forms: 1- a hearing or 2- a review of the record. Sponsors seeking an administrative review must follow Bright from the Start's SFSP Appeal Procedures. All appeal requests (hearings and record reviews) will be sent to OSAH.

For questions concerning this memo, please contact the Policy Administrator at 404.651.7181.